

**\*\*CENTRAL LOUISIANA COALITION FOR A CLEAN & HEALTHY  
ENVIRONMENT\*\* LOUISIANA ENVIRONMENTAL ACTION NETWORK\*\*  
\*\* PRUTEHI LITEKYAN/SAVE RITIDIAN\*\* EARTHJUSTICE\*\***

*Via electronic mail*

Dr. Carlton Waterhouse  
Deputy Assistant Administrator  
U.S. Environmental Protection Agency  
Office of Land and Emergency Management  
Waterhouse.Carlton@epa.gov

October 11, 2022

Dear Deputy Assistant Administrator Waterhouse,

Central Louisiana Coalition for a Clean & Healthy Environment, the Louisiana Environmental Action Network, Prutehi Litekyan/Save Ritidian, and Earthjustice write to request a meeting with you to discuss continuing failures to comply with the existing federal requirements for open burning/open detonation (“OB/OD”) of hazardous wastes. Immediate action from your office is needed to ensure protection of human health and the environment, and address ongoing environmental injustices in communities in Guam and Louisiana.

On June 7, 2022, your office released a memorandum concerning RCRA’s existing prohibition and requirements applicable to OB/OD of hazardous wastes. We appreciate that your memorandum, among other things, reaffirms the requirement that a facility cannot be permitted to open burn or open detonate hazardous wastes unless it has first evaluated alternative technologies—including those identified in the 2019 NAS and EPA reports—and demonstrated that no safe alternative exists for each of the hazardous wastes the facility seeks permission to open burn or open detonate.

However, more than four months have passed since the memorandum was issued, and permitting authorities are still considering draft OB/OD permits that overtly fail to comply with RCRA’s requirements. While these defective permits remain pending, unlawful OB/OD goes on and communities continue to suffer.

In Guam, Andersen Air Force Base has applied to renew an OB/OD permit despite having done no analysis whatsoever of alternative technologies. The Guam Environmental Protection Agency has not yet denied the permit. Instead, it is allowing Andersen Air Force Base to continue illegally open detonating hazardous wastes on the ocean's shore pursuant to an expired permit, putting the island's people, sole-source aquifer, ancestral CHamoru lands, marine resources relied on for subsistence, and cultural resources at constant threat.



*Image of open detonation at Andersen Air Force Base. (Source: Department of Defense)*

In Louisiana, Clean Harbors Colfax—a private corporation that brings hazardous wastes from other facilities to open burn in a predominately Black and low-income community—has sought renewal of a 10-year OB/OD permit without establishing that alternatives are not available for all its hazardous wastes. The Louisiana Department of Environmental Quality has yet to deny the permit and stop the facility's unlawful OB/OD operations, leaving community members to endure uncontrolled toxic pollution while the application is pending.



*Image of open burning at Clean Harbors Colfax. (Source: Louisiana Department of Environmental Quality)*

The seriousness of the ongoing OB/OD problem and continued need for EPA action could not be clearer. We hope to talk with you as soon as possible about ensuring that the instructions in your office's June memorandum are implemented, RCRA's mandates are followed, and unlawful permits are promptly denied. Please contact Khushi Desai ([kdesai@earthjustice.org](mailto:kdesai@earthjustice.org)) to schedule a virtual meeting.

Thank you for your continued attention to this issue.

Sincerely,

Brenda Vallee  
Central Louisiana Coalition for a Clean & Healthy Environment

Wilma Subra  
Louisiana Environmental Action Network

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CC: Barry Breen, Acting Administrator, U.S. EPA Office of Land and Emergency Management  
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